



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNR, MNSD, MNDC, FF

Introduction

This hearing was scheduled to deal with cross applications. On January 3, 2013 the tenant filed for monetary compensation from the landlords for damage or loss under the Act, regulations or tenancy agreement. The landlords confirmed receiving the tenant's application. As the tenant did not appear at the hearing **I dismiss the tenant's application without leave.**

On February 6, 2013 the landlords applied for monetary compensation from each of the named tenants for damage to the rental unit and unpaid/loss of rent; and, authorization to retain the security deposit. The landlords sent their Application for Dispute Resolution to each named tenant via registered mail on February 8, 2013 using the address that appears on the tenant's Application for Dispute Resolution. The registered mail packages were returned by Canada Post with the notation the addressees had "moved". I requested the landlords provide a copy of the envelopes returned to them to me via facsimile during the hearing. Upon review of the envelopes I was satisfied the landlords used the address which appears on the tenant's Application for Dispute Resolution.

Although the landlords used an address provided to them by the tenant in writing to send their hearing documents, I find that by the time delivery was attempted on February 13, 2013 the address was no longer current. Therefore, I find the tenant was not served with the hearing documents and **I dismiss the landlords' application with leave to reapply within the time limits provided by the Act.**

As the landlords still hold the tenants' security deposit but are without a forwarding address for the tenants that is deliverable the tenants shall be required to provide the landlords with a forwarding address at which they may be served, in writing, in order to seek its return, within the time limit provided by the Act.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 26, 2013

Residential Tenancy Branch

